

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EARTHSTONE INTERNATIONAL, LLC.,

No. C 11-01990 SI

Plaintiff,

**ORDER DENYING MOTION FOR A  
TEMPORARY RESTRAINING ORDER**

v.

ALIBABA GROUP HOLDING LIMITED, *et al*,

Defendants.

Plaintiff's motion for a temporary restraining order came on for hearing on May 6, 2011. The parties agree that the complained of links on Alibaba.com and Aliexpress.com, that purported to sell plaintiff's and/or counterfeit products, were taken down following the filing of this lawsuit. Plaintiff has not made a factual showing that the links, or similar ones, are likely to reappear or that the operators of Alibaba.com or Aliexpress.com will not act expeditiously on future take down requests. As such, and for the additional reasons identified during the hearing, plaintiff's request for a TRO is DENIED. The denial is without prejudice to plaintiff bringing a future motion for a preliminary injunction or other relief, if necessary and if based on an appropriate factual record.

**IT IS SO ORDERED.**

Dated: 5/6/11

  
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SUSAN ILLSTON  
United States District Judge